

THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC
John A. Fialcowitz
89 Headquarters Plaza
North Suite 1216
Morristown, NJ 07960
Telephone: (973) 813-7227
john@fialcowitzlaw.com

CAPLIN & DRYSDALE, CHARTERED
James P. Wehner (admitted *pro hac vice*)
Jeffrey A. Liesemer (admitted *pro hac vice*)
One Thomas Circle, N.W., Suite 1100
Washington, D.C. 20005
Telephone: (202) 862-5000
jwehner@capdale.com
jliesemer@capdale.com

Co-Counsel for the Official Committee of Asbestos Claimants

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:	:	Chapter 11
DURO DYNE NATIONAL CORP., <i>et al.</i> , ¹	:	Case No. 18-27963-MBK
Debtors.	:	(Jointly Administered)
	:	

**SIXTEENTH MONTHLY FEE STATEMENT OF
CAPLIN & DRYSDALE, CHARTERED FOR THE PERIOD
FROM FEBRUARY 1, 2020, THROUGH FEBRUARY 29, 2020**

Caplin & Drysdale, Chartered (“**Caplin & Drysdale**” or the “**Applicant**”), counsel for the Official Committee of Asbestos Claimants (the “**Committee**”), hereby submits this sixteenth monthly fee statement² for the period commencing February 1, 2020, through February 29, 2020 (the “**Sixteenth Fee Statement**”) pursuant to the *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of this Court*, dated December 18, 2018 (Docket No. 345) (the “**Interim Compensation Order**”).

¹ The “**Debtors**” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Caplin & Drysdale’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of Caplin & Drysdale, Chartered for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 337).

Pursuant to the Interim Compensation Order, responses to the Sixteenth Fee Statement, if any, are due by April 4, 2020.

Dated: March 25, 2020

By: /s/ James P. Wehner

James P. Wehner, Esq. (admitted *pro hac vice*)
Jeffrey A. Liesemer, Esq. (admitted *pro hac vice*)
One Thomas Circle, N.W., Suite 1100
Washington, DC 20005
Telephone: (202) 862-5000
Facsimile: (202) 429-3301
jwehner@capdale.com
jliesemer@capdale.com

*Counsel to the Official Committee of Asbestos
Claimants*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

Debtor: Duro Dyne National Corp., et al.¹ Applicant: Caplin & Drysdale, Chartered
Case No.: 18-27963 (MBK) Client: Official Committee of
Asbestos Claimants
Chapter: 11 Case Filed: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION
UNDER PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

RETENTION ORDER(S) ATTACHED AS EXHIBIT B

SIXTEENTH MONTHLY FEE STATEMENT² OF
CAPLIN & DRYSDALE, CHARTERED FOR THE PERIOD
FROM FEBRUARY 1, 2020, THROUGH FEBRUARY 29, 2020

SECTION 1
FEE SUMMARY

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUSLY REQUESTED	<u>\$1,699,580.25</u>	<u>\$31,800.85</u>
TOTAL ALLOWED TO DATE	<u>\$1,640,949.02</u>	<u>\$29,980.59</u>
TOTAL RETAINER (IF APPLICABLE)	<u>\$0.00</u>	<u>\$0.00</u>
TOTAL HOLDBACK (IF APPLICABLE)	<u>\$50,036.05</u>	<u>\$0.00</u>
TOTAL RECEIVED BY APPLICANT	<u>\$1,573,514.80</u>	<u>\$29,386.26</u>
 FEE TOTALS – PAGE 2	<u>\$9,356.00</u>	
DISBURSEMENTS TOTALS – PAGE 3	<u>\$1.58</u>	
TOTAL FEE APPLICATION	<u>\$9,357.58</u>	
MINUS 20% HOLDBACK	<u>\$1,871.20</u>	
AMOUNT SOUGHT AT THIS TIME	<u>\$7,486.38</u>	

¹ The “**Debtors**” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Caplin & Drysdale’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of Caplin & Drysdale, Chartered for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 337).

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED	HOURS	RATE	FEES
Ann C. McMillan, Member	1984	1.0	\$880	\$880.00
James P. Wehner, Member	1995	4.7	\$795	\$3,736.50
Jeffrey A. Liesemer, Member	1993	4.1	\$795	\$3,259.50
Kevin M. Davis, Of Counsel	2010	1.1	\$560	\$616.00
Cecilia Guerrero, Paralegal	N/A	1.5	\$340	\$510.00
Brigette A. Wolverton, Paralegal	N/A	1.2	\$295	\$354.00
TOTAL FEES		13.6		\$9,356.00
ATTORNEY BLENDED RATE			\$687.94	

SECTION II
SUMMARY OF SERVICES

SERVICES RENDERED	HOURS	Fee
(.01) Asset Analysis and Recovery	0.0	\$0.00
(.03) Business Operations	1.3	\$1,050.50
(.04) Case Administration	0.0	\$0.00
(.05) Claims Administration and Objections	0.0	\$0.00
(.07) Fee Applications-Self	2.1	\$987.00
(.09) Financing	0.0	\$0.00
(.10) Litigation	0.0	\$0.00
(.11) Plan and Disclosure Statement	8.2	\$6,260.50
(.12) Relief from Stay Proceedings	0.0	\$0.00
(.13) Tax Issues	0.0	\$0.00
(.15) Committee Meetings/Conferences	0.8	\$704.00
(.16) Travel Time	0.0	\$0.00
(.17) Docket Review & File Maintenance	1.2	\$354.00
(.18) Fee Applications-Others	0.0	\$0.00
(.19) Retention Applications-Others	0.0	\$0.00
(.20) Retention Applications-Self	0.0	\$0.00
(.22) Review Fee Application-Other Parties	0.0	\$0.00
SERVICE TOTALS:	13.6	\$9,356.00

SECTION III SUMMARY OF DISBURSEMENTS

DISBURSEMENTS	AMOUNT
Computer Assisted Legal Research	\$0.00
Conference Call Charges	\$0.00
Courier & Express Carriers	\$0.00
Court Reporting	\$0.00
Fax	\$0.00
Filing Fees	\$0.00
Other Research	\$0.00
Pacer Fees	\$0.00
Postage	\$0.00
Reproduction Services - In-house	\$0.00
Reproduction Services - Outside	\$0.00
Travel	\$0.00
Other (specify): eDiscovery	\$1.58
DISBURSEMENTS TOTAL:	\$1.58

SECTION IV CASE HISTORY

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. § 506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 8, 2018, effective as of September 26, 2018 [Docket No. 258]. *See* Order attached.
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
 - a) Caplin & Drysdale analyzed issues related to the Plan and Plan documents, including potential revisions of Plan documents;
 - b) Caplin & Drysdale prepared and filed fee applications;
 - c) Caplin & Drysdale assisted in the preparation of fee applications for other Committee professionals;
 - d) Caplin & Drysdale spent time working with counsel for the other Plan proponents and internally on general case matters, and status issues, as well as organizing and maintaining the case filing system and docket review for the bankruptcy case;
 - e) Caplin & Drysdale performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (unknown at this time)
- (B) SECURED CREDITORS: (unknown at this time)
- (C) PRIORITY CREDITORS: (unknown at this time)
- (D) GENERAL UNSECURED CREDITORS: (unknown at this time)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the above is true.

Date: March 25, 2020

/s/ James P. Wehner

Signature

EXHIBIT

A



One Thomas Circle NW, Suite 1100
Washington, DC 20005
Federal Tax I.D. No.: 52-1226629
www.capdale.com

Telephone: (202) 862-5000

Fax: (202) 429-3301

Official Committee of Asbestos Claimants of Duro Dyne National

March 25, 2020
Invoice #: 326154
Page: 1

RE: Duro Dyne Bankruptcy

For Professional Services Rendered Through February 29, 2020

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.03 Business Operations					
2/1/2020	ACM	Exchange e-mails re December MOR and status of case.	0.1	\$880.00	\$88.00
2/1/2020	JAL	Correspondence with ACM re inquiry.	0.5	\$795.00	\$397.50
2/3/2020	JAL	Drafted and revised email to J. Prol re inquiry re December operating report.	0.2	\$795.00	\$159.00
2/4/2020	ACM	Exchange e-mails re monthly operating report.	0.1	\$880.00	\$88.00
2/4/2020	JAL	Correspondence with J. Prol re inquiry re December operating report.	0.4	\$795.00	\$318.00
			Total	1.30	\$1,050.50
.07 Fee Applications-Self					
2/20/2020	JPW	Review and edit monthly fee app.	0.4	\$795.00	\$318.00
2/20/2020	CG	Review and revise monthly.	0.9	\$340.00	\$306.00
2/21/2020	JPW	Review monthly fee app.	0.2	\$795.00	\$159.00
2/21/2020	CG	Review, revise and finalize monthly fee app (.5); communication w/ local counsel re same (.1).	0.6	\$340.00	\$204.00
			Total	2.10	\$987.00
.11 Plan & Disclosure Statement					
2/4/2020	JAL	Further mark-up of exit loan agreement.	0.8	\$795.00	\$636.00
2/5/2020	JAL	Revisions and editing to draft exit loan agreement (1.3); drafted and revised email to C. Grear re markups of drafts of exit loan agreement and intercreditor agreement (0.6).	1.9	\$795.00	\$1,510.50
2/5/2020	JPW	Emails re confirmation issues.	0.4	\$795.00	\$318.00

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.11 Plan & Disclosure Statement					
2/5/2020	KMD	Review intercreditor agreement and related documents (1); discuss same w/ JAL (0.1).	1.1	\$560.00	\$616.00
2/6/2020	JAL	Teleconference with JPW, J. Prol, C. Malone, and E. Grim re next steps re insurance issues.	0.3	\$795.00	\$238.50
2/6/2020	JPW	Teleconference Debtors, insurance counsel re confirmation issues (0.5); teleconference E. Grim re confirmation issues (0.2).	0.7	\$795.00	\$556.50
2/7/2020	JPW	Teleconference K. Quinn, E. Grim, JAL re confirmation issue (0.2); meet with JAL re confirmation issue (0.2).	0.4	\$795.00	\$318.00
2/12/2020	JPW	Emails re confirmation issues.	0.3	\$795.00	\$238.50
2/20/2020	JPW	Emails re confirmation issues.	0.5	\$795.00	\$397.50
2/21/2020	JPW	Teleconference J. Prol re confirmation issues.	0.2	\$795.00	\$159.00
2/25/2020	JPW	Emails re confirmation issues (0.8); teleconference J. Prol, K. Quinn, JAL re confirmation issues (0.4); teleconference JAL re confirmation issues (0.2); teleconference K. Quinn re confirmation issues (0.2); teleconference J. Sinclair (0.3).	1.6	\$795.00	\$1,272.00
				Total	8.20
					\$6,260.50
.15 Committee Meetings/Conferences					
2/25/2020	ACM	Conference JPW re Committee meeting (.1); exchange e-mails re same (.2); conference JPW, KCM re same (.1); teleconference JPW re same (.1).	0.5	\$880.00	\$440.00
2/26/2020	ACM	Exchange e-mails re Committee call.	0.3	\$880.00	\$264.00
				Total	0.80
					\$704.00
.17 Docket Review & File Maintenance					
2/3/2020	BAW	Factual research re recent filings and communication re same.	0.1	\$295.00	\$29.50
2/6/2020	BAW	Prepare materials re recent filings (.1); communications re same (.1).	0.2	\$295.00	\$59.00
2/7/2020	BAW	Factual research re recent filings and communication re same.	0.1	\$295.00	\$29.50
2/10/2020	BAW	Factual research re recent filings and communication re same.	0.1	\$295.00	\$29.50
2/11/2020	BAW	Factual research re recent filings and communication re same.	0.1	\$295.00	\$29.50
2/18/2020	BAW	Factual research and prepare materials re recent filings (.1); prepare communications re same (.1).	0.2	\$295.00	\$59.00
2/25/2020	BAW	Factual research and prepare materials re recent filings (.1); prepare communications re same (.1).	0.2	\$295.00	\$59.00

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.17 Docket Review & File Maintenance					
2/28/2020	BAW	Factual research and prepare materials re recent filings (.1); prepare communications re same (,1).	0.2	\$295.00	\$59.00
			Total	1.20	\$354.00
		Total Professional Services	13.6		\$9,356.00

PERSON RECAP

Person		Title	Hours	Rate	Amount
JAL	Jeffrey A. Liesemer	Member	4.1	\$795.00	\$3,259.50
ACM	Ann C. McMillan	Member	1.0	\$880.00	\$880.00
JPW	James P. Wehner	Member	4.7	\$795.00	\$3,736.50
KMD	Kevin M. Davis	Of Counsel	1.1	\$560.00	\$616.00
CG	Cecilia Guerrero	Paralegal	1.5	\$340.00	\$510.00
BAW	Brigette A. Wolverton	Paralegal	1.2	\$295.00	\$354.00

DISBURSEMENTS

Date	Description of Disbursements	Amount
02/08/2020	EPIQ EDISCOVERY SOLUTIONS - Services January 2020 [.18]	\$1.58
	Total Disbursements	\$1.58
	Total Services	\$9,356.00
	Total Disbursements	\$1.58
	Total Current Charges	\$9,357.58

EXHIBIT

B



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
**Caption in Compliance with D.N.J. LBR
9004-1**

John A. Fialcowitz, Esq.
THE LAW OFFICE OF JOHN A.
FIALCOWITZ
89 Headquarters Plaza North, Ste. 1216
Morristown, New Jersey 07960
973.532.7208
John@fialcowitzlaw.com

*Proposed Local Counsel for the Official
Committee of Asbestos Claimants*

Order Filed on November 9, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re: : Chapter 11
DURO DYNÉ NATIONAL CORP., *et al.*, : Case No. 18-27963 (MBK)
Debtors.¹ : (Jointly Administered)

**[PROPOSED] ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF
CAPLIN & DRYSDALE, CHARTERED, AS THE COMMITTEE'S COUNSEL,
EFFECTIVE *NUNC PRO TUNC* AS OF SEPTEMBER 26, 2018**

The relief set forth on the following pages, numbered two (2) through and including three (3), is hereby **ORDERED**.

DATED: November 9, 2018

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page: 2
Debtor: Duro Dyne National Corp., *et al.*
Case No.: 18-27963 (MBK)
Caption: Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective *Nunc Pro Tunc* as of September 26, 2018

Before this Court is the *Application of the Official Committee of Asbestos Claimants for an Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective Nunc Pro Tunc as of September 26, 2018* (the “**Application**”), which was filed by the Official Committee of Asbestos Claimants (the “**Committee**”) on October 29, 2018. Based on the record herein, and after due deliberation thereon, this Court finds and concludes that (i) the law firm of Caplin & Drysdale, Chartered (“**Caplin & Drysdale**”), does not represent any entity having an interest adverse to the Committee or to the asbestos-related creditors of the Debtors’ estates in connection with the matters for which the Committee proposes to employ Caplin & Drysdale; (ii) Caplin & Drysdale is a “disinterested person” pursuant to §§ 101(14) and 328(c) of the Bankruptcy Code; (iii) proper and adequate notice of the Application has been given and no other or further notice is necessary; and (iv) the Committee’s employment and retention of Caplin & Drysdale as its counsel should be approved. Accordingly, **IT IS HEREBY ORDERED**, that:

1. The Application is granted and approved;
2. The Committee is authorized to employ and retain Caplin & Drysdale as its counsel on the terms set forth in the Application, pursuant to §§ 328 and 1103 of the Bankruptcy Code, effective *nunc pro tunc* as of September 26, 2018;
3. Caplin & Drysdale shall be compensated in accordance with the procedures set forth in §§ 330 and 331 of the Bankruptcy Code, the applicable Federal Rules of Bankruptcy Procedure, the orders and rules of this Court, and such other procedures as may be fixed by order of this Court;

Page: 3
Debtor: Duro Dyne National Corp., *et al.*
Case No.: 18-27963 (MBK)
Caption: Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective *Nunc Pro Tunc* as of September 26, 2018

4. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Application or otherwise waived;
5. This Order shall be immediately effective and enforceable upon its entry; and
6. The Court shall retain jurisdiction with respect to all matters arising or related to the implementation of this order.